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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/715,093
Filing Date: November 17, 2003
Appellant(s): METSATAHTI ET AL.

Richard D. Emery
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/27/2008 appealing from the Office action mailed 3/20/2008.

Information Disclosure Statement

The information disclosure statement filed on 5/14/2008 is in compliance with the provisions of 37 CFR 1.97, and has been considered and a copy is enclosed with this Office Action.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

a) US Application No. 10/715,162

b) US Application No. 10/792,175

c) US Application No. 10/774,670

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0033296	**Rothmuller et al.**	**02 2003**
2003/0095143	**Lauris**	**05 2003**
2002/0113803	**Samra et al.**	**08 2002**
2002/0147744	**Smith et al.**	**10 2002**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. ***Claims 1-2 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296) in view of Lauris (U.S. Publication No. 2003/0095143).***

With respect to claim 1, Rothmuller teaches first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (i.e., image area 100 in fig. 1 and digital media files with timestamps, sections 18 and 27). Rothmuller teaches second instructions for generating

an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of items of information (i.e., generating metadata tag icons associated with the media files, sections 4-6 and 18-19).

Rothmuller does not explicitly disclose displaying a frame around the at least one item of information. However, Lauris teaches displaying a frame around the at least one item of information based on metadata associated with the item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23) in order to provide a look and feel of a graphical status display (sections 8 and 12).

Therefore, based on Rothmuller in view of Lauris, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lauris to the system of Rothmuller in order to provide a look and feel of a graphical status display.

With respect to claim 2, Rothmuller teaches instructions for including the information identifier in metadata associated with the respective item of information (i.e., metadata tag icons associated with the media files, sections 4-6 and 18-19).

With respect to claim 6, Rothmuller teaches third instructions for generating a calendar view that represents time in calendar format and associates events with respective time periods (section 21 and fig. 4).

With respect to claim 7, Rothmuller teaches an information identifier associated with a calendar event that is displayed in the calendar view (section 21 and fig. 4).

With respect to claim 8, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 and fig. 3).
With respect to claim 9, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (sections 8, 27, and 31, and fig. 3).

With respect to claim 10, Rothmuller teaches an information identifier associated with a digital media file that is displayed in the media view (sections 4-6 and 18-19, and fig. 1).

5. ***Claims 11-12, 16-23, 26-29, 31,33, 43-47, 50, 52-56, 59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296)in view of Samra et al. (U.S. Publication No. 2002/0113803), and further in view of Lauris (U.S. Publication No. 2003/0095143).***

With respect to claim 11, Rothmuller teaches first instructions for generating a media view that provides access to digital media files and associates digital media files

with a period of time (i.e., image area 100 in fig. 1 and digital media files with timestamps, sections 18 and 27). Rothmuller teaches second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of the at least one item of information (i.e., generating metadata tag icons associated with the media files, sections 4-6 and 18-19).

Rothmuller teaches the second instructions for generating an information identifier further includes: instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information (i.e., entering textual information as metadata of an object, sections 5-6 and 18-19 and figs. 1-2); and instruction for graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note (i.e., graphical representation of a media object combined with a graphical representation of a tag element, sections 5 and 39-40 and fig. 6).

Samra also further teaches instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14); and instruction for graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note (i.e., when a text message is completed, the annotated object is marked visually with an annotation

marker, sections 40, 35, and 44 and figs. 1C-1 D) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31).

Therefore, based on Rothmuller in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display.

Rothmuller and Samra do not explicitly disclose the graphically altering including visually annotating items of information by adding frames around a representation of the item of information. However, Lauris teaches visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23) in order to provide a look and feel of a graphical status display (sections 8 and 12). Therefore, based on Rothmuller in view of Samra, and further in view of Lauris, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lauris to the system of Rothmuller in order to provide a look and feel of a graphical status display.
With respect to claim 12, Rothmuller teaches instructions for including the information identifier in metadata associated with the respective item of information (i.e., metadata tag icons associated with the media files, sections 4-6 and 18-19).

With respect to claim 16, Rothmuller teaches third instructions for generating a

calendar view that represents time in calendar format and associates events with respective time periods (section 21 and fig. 4).

With respect to claim 17, Rothmuller teaches an information identifier associated with a calendar event that is displayed in the calendar view (section 21 and fig. 4).

With respect to claim 18, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 and fig. 3).
With respect to claim 19, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (sections 8, 27, and 31, and fig. 3).

With respect to claim 20, Rothmuller teaches an information identifier associated with a digital media file that is displayed in the media view (sections 4-6 and 18-19, and fig. 1).

With respect to claim 21, Rothmuller teaches selecting an information identifier option (i.e., tag keeper 300-350 in fig. 1). Rothmuller teaches selecting an item of information, including at least one of a media file, calendared event or time period to associate with the selected information identifier option (i.e., selecting a digital file in fig.

1). Rothmuller teaches creating information identifier data for the selected item of information and storing the information identifier data with item of information metadata (i.e., dragging and dropping, sections 4-5 and 18-19). Rothmuller teaches creating a text message for the selected item of information (i.e., entering textual information as metadata of an object, sections 5-6 and 18-19 and figs. 1-2). Rothmuller teaches graphically altering a representation of the selected item of information in a manner visually distinct from the text message (i.e., a graphical representation of a media object combined with a graphical representation of a tag element, sections 5 and 39-40 and fig. 6).

Samra also further teaches creating a text message for the selected item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14); and graphically altering a representation of the selected item of information in a manner visually distinct from the text message (i.e., when a text message is completed, the annotated object is marked visually with an annotation marker, sections 40, 35, and 44 and figs. 1C-1D) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31).

Therefore, based on Rothmuller in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display. Rothmuller and Samra do not explicitly disclose the graphically altering including visually annotating

items of information by adding frames around a representation of the item of information. However, Lauris teaches visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23) in order to provide a look and feel of a graphical status display (sections 8 and 12). Therefore, based on Rothmuller in view of Samra, and further in view of Lauris, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lauris to the system of Rothmuller in order to provide a look and feel of a graphical status display.
With respect to claim 22, Rothmuller teaches identifying, visually, the item of information as associated with an information identifier (fig. 6).

With respect to claim 23, Rothmuller teaches selecting an information identifier option from a group consisting of bookmark identifier and annotation identifier (i.e., textual metadata and optionally a graphical metadata, section 5).
With respect to claim 26, Rothmuller teaches creating a graphical enhancement for the selected item of information (sections 39-40 and 5).

With respect to claim 27, Rothmuller teaches identifying the item of information with a bookmark identifier to indicate that the item of information has an associated text note (sections 4-6 and 18-19, fig. 2, fig. 4, and fig. 6).

With respect to claim 28, Rothmuller teaches identifying the item of information with an annotation identifier that indicates a graphical enhancement for the visual representation of the item in a view of the media diary (sections 4-6, 18-19, and 39-40, fig. 2, fig. 4, and fig. 6).

With respect to claim 29, Samra also teaches at least one of altering the size, color, or border of the representation of the selected item of information (i.e., a visual annotation in different colors, shapes, and animations, sections 35-37, 39-44, and 31 and fig. 1) in order to provide convenient, easily identified, information to a user without unduly cluttering the display. Therefore, the limitations of claim 29 are rejected in the analysis of claim 21 above, and the claim is rejected on that basis.

With respect to claim 31, Samra also teaches at least one of altering the size, color, or border of the representation of the selected item of information (i.e., a visual annotation in different colors, shapes, and animations, sections 35-37, 39-44, and 31 and fig. 1) in order to provide convenient, easily identified, information to a user without unduly cluttering the display. Therefore, the limitations of claim 31 are rejected in the analysis of claim 11 above, and the claim is rejected on that basis.

With respect to claim 33, Rothmuller teaches displaying a window, after the information identifier is associated with the item of information, in order to allow a user to input the text note to be associated with the item of information (i.e., providing a

window to a user after a metadata tag icon is associated with a media object and allowing a user to edit metadata and/or photo notes, section 24 on page 2 and fig. 2).

With respect to claim 43, Samra teaches a visual annotation marker of an object being associated with the text note (i.e., when a text message is completed, the annotated object is marked visually with an annotation marker, sections 40, 35-36, and 44 and figs. 1C-1D). Therefore, the limitations of claim 43 are rejected in the analysis of claim 11 above, and the claim is rejected on that basis.

With respect to claim 44, Lauris further teaches instructions for respectively displaying different types of frames around multiple items of information, the different types of frames being associated with different metadata (section 23). Therefore, the limitations of claim 44 are rejected in the analysis of claim 43 above, and the claim is rejected on that basis.

With respect to claim 45, Rothmuller teaches instructions for selecting one or more tags of the different types of tags from a list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Therefore, the limitations of claim 45 are rejected in the analysis of claim 44 above, and the claim is rejected on that basis.

With respect to claim 46, Rothmuller teaches instructions for displaying the list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Samra further

teaches an information identifier option key is associated with a selected item of information (i.e., indicating the object to be annotated by selecting, sections 39-40). Therefore, the limitations of claim 46 are rejected in the analysis of claim 45 above, and the claim is rejected on that basis.

With respect to claim 47, Samra further teaches instructions for displaying a pop-up window for entering a text note to be associated with the selected item of information when the information identifier option key is associated with the selected item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14). Therefore, the limitations of claim 47 are rejected in the analysis of claim 46 above, and the claim is rejected on that basis.

With respect to claim 50, Samra teaches instructions for displaying the framed items of information near the top of the media view (i.e., display priority, section 53) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31). Therefore, the imitations of claim 50 are rejected in the analysis of claim 11 above, and the claim is rejected on that basis.

With respect to claim 52, Samra teaches a visual annotation marker of an object being associated with the text note (i.e., when a text message is completed, the annotated object is marked visually with an annotation marker, sections 40, 35-36, and

44 and figs. 1C-1D). Therefore, the limitations of claim 52 are rejected in the analysis of claim 21 above, and the claim is rejected on that basis.

With respect to claim 53, Lauris further teaches respectively displaying different types of frames around multiple items of information, the different types of frames being associated with different metadata (section 23). Therefore, the limitations of claim 53 are rejected in the analysis of claim 52 above, and the claim is rejected on that basis.

With respect to claim 54, Rothmuller teaches selecting one or more tags of the different types of tags from a list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Therefore, the limitations of claim 54 are rejected in the analysis of claim 53 above, and the claim is rejected on that basis.

With respect to claim 55, Rothmuller teaches displaying the list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Samra further teaches an information identifier option key is associated with a selected item of information (i.e., indicating the object to be annotated by selecting, sections 39-40). Therefore, the limitations of claim 55 are rejected in the analysis of claim 54 above, and the claim is rejected on that basis.

With respect to claim 56, Samra further teaches displaying a pop-up window for entering a text note to be associated with the selected item of information when the

information identifier option key is associated with the selected item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14). Therefore, the limitations of claim 56 are rejected in the analysis of claim 55 above, and the claim is rejected on that basis.

With respect to claim 59, Samra teaches d is playing the framed items of information near the top of the media view (i.e., display priority, section 53) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31). Therefore, the limitations of claim 59 are rejected in the analysis of claim 21 above, and the claim is rejected on that basis.

With respect to claim 61, Rothmuller teaches a display in communication with the processing unit that presents a combined view of the media view and the media file identifier (fig. 1 and fig. 2).

6. ***Claims 30, 32, 34-38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296) in view of Lauris (U.S. Publication No. 2003/0095143), and further in view of Samra et al. (U.S. Publication No. 2002/0113803).***

With respect to claim 30, Rothmuller discloses the claimed subject matter as discussed above except instructions for altering a size, color, or border of the information identifier associated with the at least one item of information. However,

Lauris teaches instructions for altering a size, color, or border of the information identifier associated with the at least one item of information (i.e., altering a color, sections 23 and 12) in order to provide a look and feel of a graphical status display (sections 8 and 12). Therefore, based on Rothmuller in view of Lauris, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lauris to the system of Rothmuller in order to provide a look and feel of a graphical status display. Samra also teaches instruction for graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note (i.e., when a text message is completed, the annotated object is marked visually with an annotation marker, sections 40, 35, and 44 and figs. IC-ID) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31).

Samra teaches the altering includes at least one of altering the size, color, or border of the representation of the selected item of information (i.e., a visual annotation in different colors, shapes, and animations, sections 31,35-37, and 39-44 and fig. 1). Therefore, based on Rothmuller in view of Lauris, and further in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display.

With respect to claim 32, Rothmuller teaches displaying a window, after the information identifier is associated with the respective item of information, in order to

allow a user to input the text note to be associated with the respective item of information (i.e., providing a window to a user after a metadata tag icon is associated with a media object and allowing a user to edit metadata and/or photo notes, section 24 and fig. 2).

With respect to claim 34, Rothmuller teaches instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information (i.e., entering textual information as metadata of an object, sections 5-6 and 18-19 and figs. 1-2). Lauris teaches a frame around the at least one item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23) in order to provide a look and feel of a graphical status display (sections 8 and 12). Rothmuller and Lauris do not explicitly disclose frame around the at least one item of information being associated with the text note.

However, Samra teaches a visual annotation marker of an object being associated with the text note (i.e., when a text message is completed, the annotated object is marked visually with an annotation marker, sections 40, 35-36, and 44 and figs. 1C-1 D) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31). Therefore, based on Rothmuller in view of Lauris, and further in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of

Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display.

With respect to claim 35, Lauris teaches instructions for respectively displaying different types of frames around multiple items of information, the different types of frames being associated with different metadata (section 23). Therefore, the limitations of claim 35 are rejected in the analysis of claim 34 above, and the claim is rejected on that basis.

With respect to claim 36, Rothmuller teaches instructions for selecting one or more tags of the different types of tags from a list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Therefore, the limitations of claim 36 are rejected in the analysis of claim 35 above, and the claim is rejected on that basis.

With respect to claim 37, Rothmuller teaches instructions for displaying the list of tag types (i.e., items 300, 310, 320, and 350 in fig. 1 and section 5). Samra further teaches an information identifier option key is associated with a selected item of information (i.e., indicating the object to be annotated by selecting, sections 39-40).

Therefore, the limitations of claim 37 are rejected in the analysis of claim 36 above, and the claim is rejected on that basis.

With respect to claim 38, Samra further teaches instructions for displaying a pop-up window for entering a text note to be associated with the selected item of information when the information identifier option key is associated with the selected item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14). Therefore, the limitations of claim 38 are rejected in the analysis of claim 37 above, and the claim is rejected on that basis.

With respect to claim 41, Rothmuller and Lauris disclose the claimed subject matter as discussed above except instructions for displaying the framed items of information near the top of the media view. However, Samra teaches instructions for displaying the framed items of information near the top of the media view (i.e., display priority, section 53) in order to provide convenient, easily identified, information to a user without unduly cluttering the display (section 31).

Therefore, based on Rothmuller in view of Lauris, and further in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display.

7. ***Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296) in view of Lauris (U.S. Publication No. 2003/0095143) and Samra et al. (U.S. Publication No. 2002/0113803), and further in view of Smith et al. (U.S. Publication No. 2002/0147744).***

With respect to claim 39, Rothmuller, Lauris, and Samra disclose the claimed subject matter as discussed above. Samra teaches a pop-up window for an inputting and outputting interface (sections 36 and 40). Rothmuller, Lauris, and Samra do not explicitly disclose instructions for adding the text note entered into the pop-up window to a selectable list of text notes. However, Smith teaches instructions for adding the text note entered into a window to a selectable list of text notes (sections 35 and fig. 5) in order to allow the user to recall previous text entries (section 23). Therefore, based on Rothmuller in view of Lauris and Samra, and further in view of Smith, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Smith to the system of Rothmuller in order to allow the user to recall previous text entries.

With respect to claim 40, Rothmuller teaches instructions for searching the items of information by frame type and/or text note (i.e., searched by textual information, section 6). Therefore, the limitations of claim 40 are rejected in the analysis of claim 39 above, and the claim is rejected on that basis.

8. ***Claims 48-49 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296) in view of Samra et al. (U.S. Publication No. 2002/0113803) and Lauris (U.S. Publication No. 2003/0095143), and further in view of Smith et al. (U.S. Publication No. 2002/0147744).***

With respect to claim 48, Rothmuller, Samra, and Lauris disclose the claimed subject matter as discussed above. Samra teaches a pop-up window for an inputting and outputting interface (sections 36 and 40). Rothmuller, Samra, and Lauris do not explicitly disclose instructions for adding the text note entered into the pop-up window to a selectable list of text notes. However, Smith teaches instructions for adding the text note entered into a window to a selectable list of text notes (sections 35 and fig. 5) in order to allow the user to recall previous text entries (section 23).

Therefore, based on Rothmuller in view of Samra and Lauris, and further in view of Smith, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Smith to the system of Rothmuller in order to allow the user to recall previous text entries.

With respect to claim 49, Rothmuller teaches instructions for searching the items of information by frame type and/or text note (i.e., searched by textual information, section 6). Therefore, the limitations of claim 49 are rejected in the analysis of claim 48

above, and the claim is rejected on that basis.

With respect to claim 57, Rothmuller, Samra, and Lauris disclose the claimed subject matter as discussed above. Samra teaches a pop-up window for an inputting and outputting interface (sections 36 and 40). Rothmuller, Samra, and Lauris do not explicitly disclose adding the text note entered into the pop-up window to a selectable list of text notes.

However, Smith teaches adding the text note entered into a window to a selectable list of text notes (sections 35 and fig. 5) in order to allow the user to recall previous text entries (section 23). Therefore, based on Rothmuller in view of Samra and Lauris, and further in view of Smith, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Smith to the system of Rothmuller in order to allow the user to recall previous text entries.

With respect to claim 58, Rothmuller teaches searching the items of information by frame type and/or text note (i.e., searched by textual information, section 6). Therefore, the limitations of claim 58 are rejected in the analysis of claim 57 above, and the claim is rejected on that basis.

(10) Response to Argument

a) ***At page 7, Claim 1, appellant argues that "Appellants respectfully submit that the data regarding operational statuses of the nodes/clusters discussed in Lauris are not metadata. Gen that "metadata" is understood to be data regarding data, in order for the "operational status of the nodes/clusters/" to qualify as metadata, at least one of the "nodes" or "clusters" would have to qualify as "data". However, the "nodes" and "clusters" are tangible components of a computing system (see [0021-0023]), commonly understood to be computers and associated electronic hardware. A tangible object itself cannot be data (although a tangible object can embody data, such as the case where a book includes data within its written pages). As such, data regarding the operational status of a node/cluster are not metadata, but are instead original data regarding a physical component or system".***

As to the argument [a], Examiner disagree with the appellant because, firstly, Lauris is directed to graphical display of object status with respect to elated underlaying data , particularly object format files and defining related visual indicators [see Abstract, page 1, 0003], as understood from "MOF" [managed object format], typical main component of "MOF" specifies (i) classes, (ii) properties,(iii) methods regarded as "meta-data" about "MOF" is integral part of Lauris's teaching. Secondly, Lauris teaches modifiable "visual indicators" for example each object border, status of the object is part of he graphical display of object and object status from underlying data [page 2, 0023,

line 8-10] and the data is part of the "MOF" managed object format. Thirdly, as specifically shown in fig 2, node/clusters associated with graphical user interface icons particularly Arabica, decaf, Jamaica, latte.....etc. associated with specific cluster, for example nodes such as decaf,Jamaica,latter are connected to cluster as detailed in fig 2, line 221, each object has not only border, status of object, but also identifies with specific color codes [page 2, 0023, col 2, line 1-3] is integral part of "managed object format" [MOF], therefore, Lauris teaches data regarding operational statuses of the nodes/clusters are "metadata"

It is a well settle rule that a reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. See *In re Burckel,* 592 F. 2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti,* 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode,* 550 F.2d 656, 193 USPQ (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts, See *In re Bascom,* 230 F.2d 612, 109 USPQ (CCPA 1956).

b) ***At page 7-8, claim 1, appellant argues that "Appellants note that the nodes and clusters discussed in Lauris are represented by respective icons within a GUI (see Fig 2), and that such icons are typically associated with some underlying data that are used to generate the icons. However, even assuming the references***

to "nodes" and "clusters" in the Official action are meant to refer to the node/cluster icons. Appellants respectfully submit that Lauris fails to teach an information identifier that "enhances identification of an item of information by displaying a frame around the.....item of information based on metadata associated with the item of information" as recited in claim 1

c) ***At page 8, claim 1, appellant argues that "As such , the borders of Lauris relay information about the physical nodes and clusters represented by the node/cluster icons, and are not indicative of data about data (i.e., metadata) and, as a result do not teach or suggest frames based upon metadata associated with the item of information as set forth by independent claim 1***

As to the argument [b-c], Examiner disagree with the appellant because firstly, Lauris teaches nodes and clusters typically represented by GUI "icons" as shown in fig 2; secondly, Lauris teaches various nodes such as decaf, Jamaica, latte are connected to the tree cluster as detailed in fig 2, line 221, further each node is defined as "object" having proprieties such as defining border, status of object , visual indicators and pattern [page 2, 0023, col 1, line 8-10, col 2, line 1-3], further, object border, status of the object is part of he graphical display of object and object status from underlying data [page 2, 0023, line 8-10] and the data is part of the "MOF" managed object format because, each node object properties corresponds to "metadata" of specific node object. Thirdly, Lauris specifically teaches each object has a border [page 2, 0023, col 1, line 10] for example arabica border is "yellow", decaf, jamaica, latte represented

by green, mocha object color is "red" [page 2, 0023, col 2, line 1-10] , hence, each color represents identification of an object or item, color border represents frame around the item of information and metadata corresponds to each node object proprieties. Therefore, Lauris teaches an information identifier that "enhances identification of an item of information by displaying a frame around the.....item of information based on metadata associated with the item of information.

d) ***At page 8-9, claim 1, appellant argues that*** "***Appellants note that the deficiency in Lauris is not cured by Rothmuller, as Rothmuller fails to disclose or suggest "instructions for generating an information identifier that is associated with at least one item of information…….wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information. Indeed, Rothmuller is not cited in the Official Action for this proposition"***

Because neither Rothmuller nor Lauris discloses "instructions for generating an information identifier that is associated with at least one item of information.....wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information", the combination of these references also fails to disclose this aspect.

In response to appellant's argument [d] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). I

In this case, Rothmuller is directed to managing digital media objects, more specifically, storing, cataloguing, organizing, finding, displaying digital image objects [page 1, 0004, line 1-3]. Lauris is also directed to managing, organizing various node objects in a tree cluster for example as detailed in fig 2.

Rothmuller teaches user interface particularly manipulating various image objects using "drag and drop" operation [page 2, 0018, line 1-2, fig 1], Lauris also teaches user interface particularly manipulating various node objects 0018, line 1-2, fig 1], Lauris also teaches user interface particularly manipulating various node objects connected to the cluster as detailed in fig 2.

Rothmuller teaches generating metadata tag object icons associated with the media files [page 1, 0004-006], particularly metadata corresponds to Rothmuller's default metadata tags as detailed in page 1, 0005. As suggested from Rothmuller 's reference, "metada" including data and time, subject of the photo, whether a person, place, or event; as well as the place and/or event at which the photo was taken, favorite

photos, frequently viewed, similar to currently selected photos and like [see page 3, 0025] and "metadata" associated with "images or photos"

Lauris also teaches each object border, status of the object is part of he graphical display of object and object status from underlying data [page 2, 0023, line 8-10] and the data is part of the "MOF" managed object format [page 1, 0013], further, as noted from fig 2, node/clusters associated with graphical user interface icons particularly Arabica, decaf, Jamaica, latte.....etc. associated with specific cluster, for example nodes such as decaf,Jamaica,latter are connected to cluster as detailed in fig 2, line 221, each object has not only border, status of object, but also identifies with specific color codes [page 2, 0023, col 2, line 1-3] is integral part of "managed object format" [MOF], therefore, "metadata" is integral part of MOF files [page 1, 0013].

Rothmuller teaches objects in different match groups particularly in the display area by visual indicators for example different colors or patterns [page 1, 0007, line 11-16]. Lauris also teaches not only visual indicators, but also each object has specific color [page 2, 0023, col 1, line 8-10, col 2, line 1-3].

Both Rothmuller, Lauris teach defining "metadata" of each object, managing data objects using graphical user interface.

In the office action, examiner noted that Rothmuller does not specifically teach "displaying a frame around the at least one item of information". On the other hand, Lauris disclosed specific colored border around an object for visual indicator for example border of Arabica is yellow, borders of nodes decaf, Jamaica, latte is "green", mocha node is "red" [page 2, 0023, col 2, line 1-10] corresponds to displaying a frame

around the at least one item of information based on metadata associated with the item of information, therefore, as best understood by the examiner, displaying a frame around the item of information corresponds to Lauri's "each object has a border" [page 2, 0023, line 9-10].

The references within the statutory terms of 35 USC 103 qualify as prior art for an obviousness determination only when analogous to the claimed invention. *In re Clay*, 966 F.2d 656,658 (Fed.Cir.1992). Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Deminski*, 796 F.2d 436,442 (Fed.Cir. 1986); see also *In re Wood*, 599 F.2d 1032, 1036, (CCPA 1979) and *In re Bigio*, 381 F.3d 1320,1325 (Fed.Cir 2004). Furthermore, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"...However, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l v. Teleflex Inc.*,

It would have been obvious to one of the ordinary skill in the art at the time of appellant's invention to incorporate the teachings of Lauris into digital media object management of Rothmuller because both Lauris,Rothmuller teach "metadata" [Lauris:

page 2, 0023, line 8-10] and the data is part of the "MOF" managed object format [page 1, 0013]; Rothmuller: page 1, 0004-006]; both Lauris, Rothmuller also teach manipulating various image objects using graphical user interface or GUI [Lauris: 0018, line 1-2, fig 1; Rothmuller: page 2, 0018, line 1-2, fig 1]. Therefore, one of the ordinary skill in the art at the time of appellant's invention to combine Lauris reference with Rothmuller because that would have allowed users of Rothmuller to provide a 'look and feel" of a graphical status display.

Examiner applies above argument to claims 2, 6-10 depend from claim 1.

e) ***At page 9-10, claim 8, appellant argues that "Rothmuller does not teach generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time" as recited in Claim 8 of the present application.***

As to the above argument [e], examiner disagree with the appellant because, firstly, Rothmuller teaches timeline fig 1 element 250 is integral part of user interface particularly in relation with metadata associated with photo tags [see fig 1, fig 3, page 3, 0028, line 1-5]. Secondly, Rothmuller specifically teaches time line not only divided into segments having a bar graph size, but also allows adjustable time bands for example as detailed in fig 3, element 251] corresponds to "time bar that divides time into segments having a size that depends upon the digital media files as in the claim 8. finally, as best understood by the examiner, Rothmuller's timeline [element 250]with adjustable time bands element 251 "reads on" claim 8.

f) ***At page 10, claim 8, appellant argues that "However, the bars of the bar graph do not "divide time" within the timeline. As such, Rothmuller does not disclose the [division of] time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time as recited by Claim 8***.

In response to appellant's argument [f] that the reference fails to show features of appellant's invention "the bars of the bar graph do not "divide time" within the timeline. It is however, noted that the features upon which appellant relies [the bars of the bar graph do not "***divide time" within the timeline***] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns, 988 F.2d 1181,26USPQ2d 1057 (Fed.Cir. 1993).*

By giving the broadest reasonable interpretation to the limitations of claim 8, "*generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time*" "reads on" Rothmuller reference: timeline divided time into segments having a bar graph size that is based on a total number of digital media files fig 3, page 3, 0031, further Rothmuller specifically suggested timeline includes "adjustable time bands fig 3 element 251" is integral part of timeline fig 3 . Thus, Rothmuller teaches divide time within the timeline.

Further, Examiner also noted appellant's argument at page 10, line 4-9 , particularly, appellant agrees "Rothmuller appears to teach timeline divided into segments.

g) ***At page 10-11, claim 9, appellant argues "However, Appellants respectfully submit that each of the cited portions of Rothmuller, and indeed all of Rothmuller, is silent regarding the display of an information identifier in a time bar. Further, reviewing Fig 3 from Rothmuller, there is no visual indication of an information identifier in the disclosed timeline of Rothmuller. This deficiency in Rothmuller is not cured by Lauris; indeed, Lauris is not cited for such proposition.***

In response to appellant's argument [g], examiner disagree with the appellant because firstly, Rothmuller specifically teaches time line not only divided into segments having a bar graph size, but also allows adjustable time bands for example as detailed in fig 3, element 251]. Secondly, Rothmuller specifically teaches "metadata" associated with "tag" for example tagged photos having date, or time stamp [page 3, 0027, line 3-5], further "metadata can include not only time stamp, "favorite photos,", "frequently viewed", "similar to currently selected photos" and like as detailed in page 3, 0025, therefore, Rothmuller specifically teaches "information identifier associated with a period of time that is displayed in the time bar" corresponds tags related to respective photos 1-4 displayed in the image area element 100 as shown in fig 1. further, fig 1 also shows timeline element 250, tags and type of tags element 320 and 350 respectively and

displaying specific photo along with "time stamp" for example as shown in the image area elements 1-4. As noted, Rothmuller's fig 3 specifically teaches "timeline" clearly indicating number of photos taken during specific time intervals or segments displayed corresponds to visual indication of information identifiers with respect to timeline as detailed [page 3, 0027, 0031, fig 1, fig 3]..

h) ***At page 11-13, claims 11 and 21, appellant argues "However, Samra is silent regarding the possible inclusion of annotations in the metadata of a media production. In fact, the term "metadata" does not appear in Samra. Further, it is noted that the annotations themselves discussed in Samra are not related to any metadata associated with the media production, but instead are entered by the user without regard for the metadata associated with a media production. Overall, Samra does not appear to teach or suggest graphically altering a representation of an item of information based on representation of [an] item of information.....by adding frames around a representation of the item of information based on metadata associated with the item of information" as recited in one form or another, in each of Claim 11 and 21.***

Because none of Rothmuller, Lauris, and Samra discloses "instructions for graphically altering a representation of [an] item of information.....by adding frames around a representation of the item of information based on metadata associated with the item of information, "the combination of these references

also fails to disclose this aspect. Appellants respectfully submit that Rothmuller, Lauris, and Samra, taken in any combination, do not teach or suggest each and every respective limitation of independent claims 11 and 21.

In response to appellant's argument [h] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). I

In this case, Rothmuller is directed to managing digital media objects, more specifically, storing, cataloguing, organizing, finding, displaying digital image objects [page 1, 0004, line 1-3]. Lauris is also directed to managing, organizing various node objects in a tree cluster for example as detailed in fig 2. Rothmuller teaches user interface particularly manipulating various image objects using "drag and drop" operation [page 2, 0018, line 1-2, fig 1], Lauris also teaches user interface particularly manipulating various node objects 0018, line 1-2, fig 1], Lauris also teaches user interface particularly manipulating various node objects connected to the cluster as detailed in fig 2.

Rothmuller teaches generating metadata tag object icons associated with the media files [page 1, 0004-006], particularly metadata corresponds to Rothmuller's default metadata tags as detailed in page 1, 0005. As suggested from Rothmuller 's

reference, "metada" including data and time, subject of the photo, whether a person, place, or event; as well as the place and/or event at which the photo was taken, favorite photos, frequently viewed, similar to currently selected photos and like [see page 3, 0025] and "metadata" associated with "images or photos"

Lauris also teaches each object border, status of the object is part of he graphical display of object and object status from underlying data [page 2, 0023, line 8-10] and the data is part of the "MOF" managed object format [page 1, 0013], further, as noted from fig 2, node/clusters associated with graphical user interface icons particularly Arabica, decaf, Jamaica, latte.....etc. associated with specific cluster, for example nodes such as decaf,Jamaica,latter are connected to cluster as detailed in fig 2, line 221, each object has not only border, status of object, but also identifies with specific color codes [page 2, 0023, col 2, line 1-3] is integral part of "managed object format" [MOF], therefore, "metadata" is integral part of MOF files [page 1, 0013].

Rothmuller teaches objects in different match groups particularly in the display area by visual indicators for example different colors or patterns [page 1, 0007, line 11-16]. Lauris also teaches not only visual indicators, but also each object has specific color [page 2, 0023, col 1, line 8-10, col 2, line 1-3].

As noted, Samra is directed to digital media production system, more specifically annotating images, text, audio information associated with digital media [page 2, 0027, line 2-5]. Samra further teaches "user-interface" allows user to manipulate digital information for example edit or add required annotations [see fig 1A-1D, page 2, 0031]. It is also noted that Samra specifically teaches annotations automatically generated in

association with digital media objects for example clips, frames, layers and like [page 1, 0013, col 2, line 1-3] that corresponds to "metadata" . Samra also teaches colors are used to represent various defined objects for example person, group, company, stage and like [page 3, 0035, line 1-4]

Therefore, all references Rothmuller, Lauris, and Samra teach defining "metadata" of each object, managing and manipulating data objects using graphical user interface.

In the office action, examiner noted that Rothmuller, Samra do not disclose the graphically altering including visually annotating items of information by adding frames around a representation of the item of information, although Samra teaches allowing user to type a text message associates with selected media object [Samra: page 3, 0040, line 1-3],, annotated object is marked visually with an annotation marker for example fig 1C-1D, 0035, line 1-4, 0040, 0044. On the other hand, Lauris disclosed specific colored border around an object for visual indicator for example border of Arabica is yellow, borders of nodes decaf, Jamaica, latte is "green", mocha node is "red" [page 2, 0023, col 2, line 1-10] corresponds to displaying a frame around the at least one item of information based on metadata associated with the item of information, therefore, as best understood by the examiner, displaying a frame around the item of information corresponds to Lauri's "each object has a border" [page 2, 0023, line 9-10].

The references within the statutory terms of 35 USC 103 qualify as prior art for an obviousness determination only when analogous to the claimed invention. *In re Clay*, 966 F.2d 656,658 (Fed.Cir.1992). Two separate tests define the scope of

analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Deminski,* 796 F.2d 436,442 (Fed.Cir. 1986); see also *In re Wood,* 599 F.2d 1032, 1036, (CCPA 1979) and *In re Bigio,* 381 F.3d 1320,1325 (Fed.Cir 2004). Furthermore, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"...However, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l v. Teleflex Inc.,*

It would have been obvious to one of the ordinary skill in the art at the time of appellant's invention to incorporate the teachings of Lauris into digital media object management of Rothmuller, automatically generating annotations in association with media objects of Samra because, Rothmuller, Samra, and Lauris specifically teaches "metadata" " [Rothmuller: page 1, 0004-006; Lauris: page 2, 0023, line 8-10] and the data is part of the "MOF" managed object format [page 1, 0013]; Samara: page 1, 0013, col 2, line 1-3] that corresponds to "metadata"]. Rothmuller, Samra, Lauris also teach manipulating various image objects using graphical user interface or GUI [Rothmuller: page 2, 0018, line 1-2, fig 1 ; Lauris: 0018, line 1-2, fig 1; Samra: page 5, 0069, fig 1A-1D]. Therefore, Rothmuller in view of Samra would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the

teachings of Samra to the system of Rothmuller in order to provide convenient, easily identified information to a user without unduly cluttering the display, further, in view of Lauris, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Lauris to the system of Rothmuller, Samra to provide a look and feel of a graphical status display.

Examiner applies above arguments to claims 12,16-20,22-23,26-38,41,43-47,50,52-56,59,and 61 depend from claim 11 and 21.

i) ***At page 13, claim 18, appellant argues that "However, as discussed above in conjunction with Claim 8, Rothmuller fails to disclose "generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time"***

As to the above argument [i], examiner disagree with the appellant because, firstly, Rothmuller teaches timeline fig 1 element 250 is integral part of user interface particularly in relation with metadata associated with photo tags [see fig 1, fig 3, page 3, 0028, line 1-5]. Secondly, Rothmuller specifically teaches time line not only divided into segments having a bar graph size, but also allows adjustable time bands for example as detailed in fig 3, element 251] corresponds to "time bar that divides time into segments having a size that depends upon the digital media files as in the claim 8. finally, as best understood by the examiner, Rothmuller's timeline [element 250]with adjustable time bands element 251 "reads on" claim 18.

j) ***At page 13-14, claim 19, appellant argues that "However, as discussed above in conjunction with Claim 9, Rothmuller fails to disclose "generating an information identifier that is ....associated with a period of time that is displayed in the time bar".***

In response to appellant's argument [j], examiner disagree with the appellant because firstly, Rothmuller specifically teaches time line not only divided into segments having a bar graph size, but also allows adjustable time bands for example as detailed in fig 3, element 251]. Secondly, Rothmuller specifically teaches "metadata" associated with "tag" for example tagged photos having date, or time stamp [page 3, 0027, line 3-5], further "metadata can include not only time stamp, "favorite photos,", "frequently viewed", "similar to currently selected photos" and like as detailed in page 3, 0025, therefore, Rothmuller specifically teaches "information identifier associated with a period of time that is displayed in the time bar" corresponds tags related to respective photos 1-4 displayed in the image area element 100 as shown in fig 1. further, fig 1 also shows timeline element 250, tags and type of tags element 320 and 350 respectively and displaying specific photo along with "time stamp" for example as shown in the image area elements 1-4. As noted, Rothmuller's fig 3 specifically teaches "timeline" clearly indicating number of photos taken during specific time intervals or segments displayed corresponds to visual indication of information identifiers with respect to timeline as detailed [page 3, 0027, 0031, fig 1, fig 3].

k) ***At page 14, Claims 39,40,48,49,57,58, appellant argues that "As discussed above with respect to claim 1,11,21, none of Rothmuller, Lauris, and Samra discloses "adding frames around a representation of [an] item of information based on metadata associated with the item of information" as recited in one form or another by each of claims 1,11,21……..***

As to the above argument [k], examiner applies above discussed arguments of claim 1,11 and 21. Further, in the previous office action, examiner noted that Rothmuller, Lauris,Samra do not disclose" instructions for adding the text note entered into the pop-up window to a selectable list of text notes, although Rothmuller, Lauris, Samra does teach user interface for managing data. On the other hand, Smith disclosed adding the text note entered into the pop-up window to a selectable list of text notes at page 3, 0035, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Smith into the systems of Rothmuller,Lauris,Samra because that would have allowed users to "recall previous text entries", editable text lines as suggested by Smith [page 3, 0021, line 1-2, 0023].

(11) Related Proceeding(s) Appendix

a) US Application No. 10/715,162

b) US Application No. 10/792,175

c) US Application No. 10/774,670

No final decision or determination on the above related proceedings.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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